

**IN THE CIRCUIT COURT OF HAMILTON COUNTY
STATE OF TENNESSEE**

DELIA BRANHAM,

Plaintiff,

vs

SAM'S EAST, INC. d/b/a SAM'S CLUB,

Defendant.

Docket No. 22084

Division:

JURY DEMANDED

FILED IN OFFICE
2022 AUG 15 PM 2:45
LARRY L. HENRY, CLERK
LW
DC

COMPLAINT

Delia Branham hereby sues defendant, Sam's East, Inc. d/b/a Sam's Club (Hereinafter "Sam's Club"), for injuries and losses arising out of an incident that occurred on August 31, 2021. Pursuant to Rule 8.01 of the Tennessee Rules of Civil Procedure, Ms. Branham describes her claims as follows:

PARTIES

1. Delia Branham is an adult who resides in Hamilton County, TN.
2. Defendant Sam's Club is a business entity that was formed in Arkansas and that maintains its principal place of business in Arkansas. Defendant's registered agent is C T Corporation located at 300 Montvue Rd., Knoxville, TN 37919.

JURISDICTION AND VENUE

3. Jurisdiction and venue are proper in the Circuit Court of Hamilton County, Tennessee, because a substantial part of the events or omissions giving rise to the claims in this case occurred in Hamilton County, Tennessee.

EXHIBIT

B

FACTUAL ALLEGATIONS

4. Upon information and belief, Defendant owns, operates, and maintains a retail store at 6101 Lee Hwy, Chattanooga, TN 37421.
5. Defendant had the responsibility for inspecting and maintaining the area in a way that is safe for people to walk at the above address on August 31, 2021.
6. On August 31, 2021, Plaintiff visited Defendant's store located at the above address.
7. As Plaintiff was looking through the freezer section, Plaintiff slipped in a puddle.
8. The liquid was clear and believed to be water.
9. As a result of the fall, Ms. Branham suffered severe bodily injuries.
10. At all times, Ms. Branham conducted herself in a safe and prudent manner.

NEGLIGENCE

11. Defendant is guilty of negligence in causing Ms. Branham to fall.
12. A business has a duty to take reasonable steps to protect customers and other visitors from safety hazards about which the business knows or has reason to know.
13. A business has a duty to do what is necessary to keep its property in a safe condition.
14. A business has a duty to perform reasonably frequent inspections of its property to check for dangers to customers or other people.
15. A business has a duty to train its employees in how to perform inspections and how to address dangers once they are identified.
16. A business has a duty to supervise its employees to ensure that they are performing frequent inspections and addressing dangers once they are identified.
17. A business has a duty to eradicate any unreasonably dangerous conditions on its

property.

18. A business has a duty to immediately and thoroughly clean floors or otherwise remove slippery substances once the business knows the floors are slippery.

19. A business has a duty to warn shoppers of safety hazards about which it knows about or has reason to know.

20. A business has a duty to immediately warn shoppers once the business knows that the floors are slippery.

21. Defendant breached one or multiple of the above duties. This breach constitutes negligence and the proximate cause of Ms. Branham's fall.

22. Defendant's negligence caused Ms. Branham to suffer injuries.

23. Ms. Branham shared no fault in causing her injuries.

DAMAGES

24. As a direct and proximate result of the carelessness and negligence of defendant, Ms. Branham suffered severe bodily injuries.

25. Generally, Ms. Branham suffered the following injuries and losses as a result of the fall described above:

- a. Medical bills and expenses, both past and future.
- b. Lost wages and loss of earning capacity, both past and future.
- c. Pain, suffering, emotional distress, loss of enjoyment of life, and other non-economic harms, both past and future.

WHEREFORE, Ms. Branham requests a judgment against Defendant for the pain, suffering, and damages in an amount to be determined by a jury to be fair and reasonable, with such amount not to exceed \$120,000.00. Ms. Branham hereby DEMANDS A JURY to try the issues.

Respectfully Submitted,

MASSEY & ASSOCIATES, PC

By: 

Joshua Ward, 031329

R. Ethan Hargraves, 033331

6400 Lee Highway, Suite 101

Chattanooga TN 37421

Phone: (423) 697-4529

Fax: (423) 634-8886

Josh@masseyattorneys.com

Ethan@masseyattorneys.com

Attorneys for Plaintiff